

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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Index No. 20-cv-05664

**J.H., an infant, by CLOVER
SPRINGER, her legal guardian, and CLOVER
SPRINGER, individually,**

**INFANT'S COMPROMISE
ORDER**

Plaintiffs,

-against-

ABF FREIGHT SYSTEM, INC.,

Defendant.

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Plaintiff, CLOVER SPRINGER, the legal guardian of J.H.¹, an infant, by their attorneys, KERNER & KERNER, P.C., having duly moved for an Order, pursuant to Local Civil Rule 83.2(a) and CPLR §§1207 and 1208, settling and compromising the above-entitled matter on the grounds that the proposed settlement in the aggregate sum of Thirty Five Thousand (\$35,000.00) Dollars, payable by or on behalf of the Defendant, ABF FREIGHT SYSTEM, INC., is in the best interests of the said infant, and said motion having regularly come on to be heard,

NOW, upon reading and filing the Affidavit of CLOVER SPRINGER, sworn to on the 1st day of November, 2021, and the exhibits annexed thereto and the Declaration of Kenneth T. Kerner, Esq., dated November 3, 2021;

AND, upon all of the papers and proceedings heretofore had herein,

AND it appearing that the proposed settlement of the above-entitled action on behalf of the infant plaintiff, J.H., is in the best interests of said infant;

¹ The infant Plaintiff's first and last names have been redacted pursuant to FRCP 5.2(a)(3) and are replaced by the initials "J.H.".

AND, it appearing that the infant Plaintiff, J.H., is under the age of 18 years, having been born in 2006 and is presently 15 years of age;

AND, the Court having determined that good cause exists for dispensing with the appearance of the infant Plaintiff at a hearing herein pursuant to CPLR § 1208(d) in view of the current global pandemic and restrictions imposed upon personal appearances in legal proceedings;

AND, upon all of the pleadings and proceedings heretofore had herein,

AND, due deliberation having been had hereon,

NOW, upon motion of KERNER & KERNER, P.C., attorneys for the Plaintiff, it is hereby

ORDERED, that the motion to settle and compromise the within cause(s) of action asserted on behalf of the infant Plaintiff, pursuant to Local Civil Rule 83.2(a) and CPLR 1207, be and the same hereby is, in all respects, granted and that the proposed settlement in the amount of Thirty-Five Thousand (\$35,000.00) Dollars on behalf of the said infant Plaintiff, J.H., be and the same hereby is approved, and it is further

ORDERED, that CLOVER SPRINGER, as the legal guardian of J.H., be and she hereby is authorized to settle the within matter on behalf of the said infant Plaintiff against the Defendant, ABF FREIGHT SYSTEM, INC., upon compliance with the following terms of this Order, to wit:

ORDERED, that the Defendants and/or their insurance carrier, shall issue payment as set forth below, in the aggregate sum of Thirty-Five Thousand (\$35,000.00) Dollars, and deliver such payments to the attorneys for the Plaintiffs, Kerner & Kerner, P.C., at its law offices located at 15 Maiden Lane, Ste. 1008, New York, New York 10038, in accordance with CPLR 5003-a, as follows:

a. to Kerner & Kerner, P.C., the sum of \$11,666.67, as payment in full settlement of its claim for legal services rendered herein and the sum of \$327.45, as payment in full and final satisfaction of disbursements incurred in the prosecution of this matter, both of which aggregate the sum of \$11,994.12, and

b. the sum of \$23,005.88, payable to CLOVER SPRINGER, as the legal guardian of J.H. [actual name to be substituted in the place of the pseudonym "J.H."], the infant herein, jointly with an officer of the Chase Bank, located at 8609 Cypress Parkway, Kissimmee, Florida 34759, to be deposited in the said bank, in a term deposit interest bearing account paying the highest rate of interest in the name of the said legal guardian, in trust for said infant, J.H. [actual name to be inserted in place of the pseudonym "J.H."], and subject to the further Order of this Court and the said depository bank shall pay over all moneys held in the said account to the infant Plaintiff, J.H. when said infant reaches the age of majority (18 years of age), and it is further

ORDERED, that the aforesaid depository bank account is subject to renewal upon maturity not to extend beyond the infant plaintiff's 21st birthday, at the option of the said infant Plaintiff, and it is further

ORDERED, that any withdrawals from the subject depository bank account before the infant Plaintiff reaches age 18, are not permitted except upon the further Order of this court, and it is further

ORDERED, that any claim for loss of services and/or medicals expenses incurred on behalf of the co-plaintiff, CLOVER SPRINGER is hereby dismissed, with prejudice, and it is further

ORDERED, that the making and filing of a bond is hereby dispensed with, and it is further

ORDERED, that upon full compliance with the terms of this Order, CLOVER SPRINGER, the legal guardian of the infant Plaintiff, J.H., is authorized to execute and deliver to the attorneys for the Defendant, ABF FREIGHT SYSTEM, INC., a general

release and Stipulation of Discontinuance, with prejudice, on behalf of the said infant,
J.H.

ENTER:

A handwritten signature in black ink, appearing to read "Andrew Krause", written over a horizontal line.

Andrew E. Krause

U.S.M.J.

Dated: November 29, 2021